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INTELLECTUAL PROPERTY LAW

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August 13, 2013

RECEIVED

AUG 13 2013

AT 8:30 _____ M
WILLIAM T. WALSH
CLERK

VIA FACSIMILE (609.989.0435)

The Honorable Tonianne J. Bongiovanni
United States Magistrate Judge
United States District Court
Clarkson S. Fisher Bldg. & U.S. Courthouse
402 East State Street
Trenton, NJ 08608

Re: *Diebold, Incorporated v. Content Extraction and Transmission LLC et al.*
Civil Action No. 12-7640-MAS-TJB

-consolidated with-

*Content Extraction and Transmission LLC v. Wells Fargo Bank,
National Association*

Civil Action No. 12-2501-MAS-TJB

*Content Extraction and Transmission LLC v. The PNC Financial
Services Group, Inc.*

Civil Action No. 12-6960-MAS-TJB

Our Ref: DIEBOL 6.1-001

Dear Magistrate Judge Bongiovanni:

We represent plaintiff Diebold, Incorporated ("Diebold"), in the above-captioned action. We write to you at the suggestion of your Courtroom Deputy, Mark Morelli, made in a phone call earlier today. Diebold respectfully requests an adjournment of the due date for Diebold to file a reply or other response to counterclaims appearing in the document (Dkt.69) filed by Defendant Content Extraction and Transmission LLC ("CET") on July 23, 2013. Assuming the counterclaims are not stricken, as Diebold has requested (*see* Dkt.72, at 2-3), a response by Diebold could be due this Friday, August 16, 2013. Diebold respectfully requests that the due date be adjourned until at least Monday, August 19, 2013, when counsel for the parties will be appearing in person before Your Honor.

Jean-Marc Zimmerman, Esq., counsel for CET, and Joseph Casello, Esq., counsel for the individual defendants, have agreed to this request for an extension of time until the hearing on Monday, August 19, 2013.

CET's counterclaims will be a subject before the Court at the August 19, 2013 hearing because they deal directly with the patents and patent infringement allegations that were the subject of the decision by Judge Shipp on July 31, 2013, which held CET's patents invalid under 35 U.S.C. § 101. (Dkts.64, 65 in the *Wells Fargo* action.) The subject counterclaims have also been the subject of Diebold's request to strike and/or for a suspension of time for any reply, in our letter dated July 26, 2013, to Your Honor. (Dkt.72.)



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For the foregoing reasons, Diebold respectfully requests an extension of time to reply or otherwise move, in response to CET's counterclaims, at least until the hearing scheduled for August 19, 2013. If the Court agrees, we ask that a copy of this letter be "So Ordered" below.

Respectfully submitted,

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
Attorneys for Plaintiff Diebold, Incorporated
In Civil Action No. 12-7640/PGS-TJB

By: 

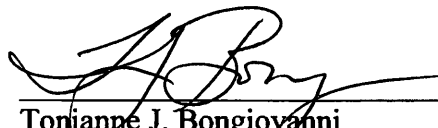
Roy H. Wepner

RHW/dg

cc: Jean-Marc Zimmerman, Esq. (via e-mail: jmz@iplcounsel.com)
Joseph M. Casello, Esq. (via e-mail: jcasello@cvclaw.net)

SO ORDERED:

Dated: August 13, 2013
Trenton, New Jersey


Tonianne J. Bongiovanni
United States Magistrate Judge